



DOCKET NO.: D0188.70144US00

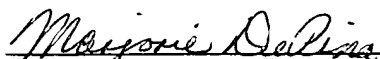
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael Lewis Frimer  
Serial No.: 10/755,422  
Confirmation No.: 2063  
Filed: January 12, 2004  
For: IMPLANTABLE PROSTHESIS AND METHOD OF USE  
Art Unit: 3738

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 3rd day of November, 2004.

  
Marjorie DePina

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant would like to bring to the Examiner's attention the enclosed search report and written opinion of the International Searching Authority from the corresponding International Application No. PCT/US2004/000657.

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The relevance, if any, of WO97/23310 may be further gleaned by its figures and the English full translation provided.

The relevance, if any, of WO03/026530 may be further gleaned by its figures and the English abstract provided.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

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By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

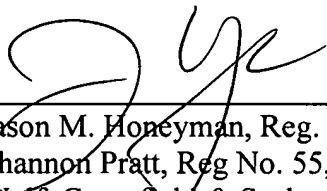
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:

  
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Docket No.: D0188.70144US00  
Date: November 3, 2004  
x04/12/04x



<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> FORM PTO/AIA 49/A and B (Modified)				APPLICATION NO.: 10/755,422		ATTY. DOCKET NO.: D0188.70144US00	
				FILING DATE: January 12, 2004		CONFIRMATION NO.: 2063	
				APPLICANT: Michael Lewis Frimer			
				GROUP ART UNIT: 3738		EXAMINER:	
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#### U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		3,216,420		Smith, et al	11/09/1965
		4,024,872		Muldoon	05/24/1977
		4,217,664		Faso	08/19/1980
		4,265,244		Hill	05/05/1981
		4,534,761		Raible	08/13/1985
		4,769,038		Bendavid, et al	09/06/1988
		4,854,316		Davis	08/08/1989
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		5,122,155		Eberbach	06/16/1992
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		5,269,774		Gray	12/14/1993
		5,366,460		Eberbach	11/22/1994
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		6,436,030	B2	Rehil	08/20/2002
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		2001/0039425	A1	Dakov	11/08/2001
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<b>FORM PTO-1449/A and B (Modified)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/755,422	ATTY. DOCKET NO.: D0188.70144US00	
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				APPLICANT: Michael Lewis Frimer		
				GROUP ART UNIT: 3738	EXAMINER:	
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#### FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
		WO	92/19162		Seid	11/12/1992	
		WO	97/23310		Gonzalez	06/26/1997	Yes
		WO	98/58691		Hessel	12/30/1998	
		WO	00/67663		Bard Inc.	11/16/2000	
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#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
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<b>FORM PTO-1449/A and B (Modified)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/755,422	ATTY. DOCKET NO.: D0188.70144US00
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		International Search Report and Written Opinion for the corresponding International Application No. PCT/US 2004/000657, dated August 30, 2004 (18 pages)		

EXAMINER:	DATE CONSIDERED:

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]